

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-CV-05944 SC

MDL No. 1917

Judge: Hon. Samuel Conti

This Document Relates To:

ALL ACTIONS

VIDEOTAPED DEPOSITION OF PHILIP BRITTON

Wednesday, August 27, 2014

Chicago, Illinois

Reported By:

TRICIA J. FLASKA, CSR, RPR

JOB NO. 83358

1 Q What is "GM percent"?

2 A Gross margin percentage.

3 Q And is this a reference to Circuit City's
4 revenue and market share goals?

5 A That was our analysis, yes.

6 Q With respect to home theater or more
7 generally?

8 A This would have been home theater.

9 Q Okay. Do you know how that -- how the
10 information about Circuit City's goals with respect
11 to revenue and market share were obtained?

12 A As I said, this was our analysis of that.
13 Yeah.

14 Q Well, when you say "analysis," what do you
15 mean by that?

16 A It was our belief that this was how they
17 were attempting to drive their business.

18 Q Okay. Then there's a reference to a new
19 manager position that had been created.

20 Do you see that?

21 A Yes.

22 Q Do you know how that information, in
23 particular, was obtained?

24 A Conversations with Circuit City employees.

25 Q Okay. Then look at the fourth bullet,

1 "Expect to see all on sale plus additional discounts
2 for July 4th and Labor Day."

3 Do you see that?

4 A Yes.

5 Q So is this a reference to upcoming
6 discounts that Circuit City had planned for both
7 July 4th and Labor Day?

8 A Yes.

9 Q How would that information have been
10 obtained? Actually, strike that.

11 How was that information obtained?

12 A I don't recall specifically how this was
13 obtained.

14 Q Uh-huh.

15 A There are many methods by which we could
16 have obtained that.

17 Q Tell me what -- tell me about those
18 methods. What were they?

19 A Conversations with employees, mystery
20 shopping, looking at the expiration date on signage
21 that was put up in the store.

22 Q Well, with respect to signage, would there
23 have been signs with respect to Labor Day sales in
24 June of 2006? Was that typical?

25 A I can't speak to this specifically. I

1 don't recall. I will tell you it is not uncommon to
2 see a in-store date on a sign to let the retail
3 store teams know when to put up the sign and when to
4 take the sign down.

5 Q And how about mystery shops, how would the
6 information have been obtained in a mystery shop?

7 A So if we were mystery shopping, then we may
8 have asked "How long is this sale good for," just
9 like any customer would ask.

10 Q If the sale was actually advertised at that
11 point?

12 A Uh-huh.

13 Q Okay. And how about other conversations
14 with employees? In what context would those take
15 place?

16 A In some cases we were known to Circuit City
17 employees. We would ask them how business was
18 going, just general conversations.

19 Q And they would tell you?

20 A Some people would, some people wouldn't.

21 Q And some people would provide you with
22 information about planned discounts, planned sales;
23 planned promotions; is that accurate?

24 A Occasionally. It needs to be taken with a
25 healthy grain of salt. It could be misinformation.